

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Donald R. Walker-Bey,

Plaintiff,

v.

Elizabeth Tyger; Kristan Craig; Robert Allen
Bell; and Kimberly Clark Corporation,

Defendants.

C/A No.: 1:23-cv-6107-SAL-SVH

ORDER

This matter is before the court for review of the January 3, 2024, Report and Recommendation of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 15.] In the Report, the magistrate judge recommends the individual Defendants—Tyger, Craig, and Bell—be dismissed from this action as the proposed summons from Plaintiff listed only Defendant Kimberly Clark Corporation. Attached to the Report was a notice advising Walker-Bey of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 5.¹ Walker-Bey has not filed objections, and the time for doing so has expired.

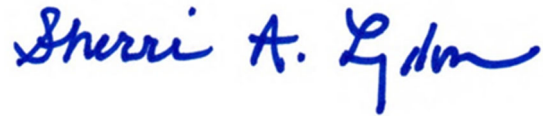
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

¹ Originally, the Report sent to Walker-Bey did not include this notice of the right to file objections to the Report. However, the Report was reissued with that notice on March 14, 2024, and mailed to Walker-Bey. At that time, the court advised Walker-Bey that his objections deadline was extended to March 28, 2024. [ECF NO. 21.]

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

Having thoroughly reviewed the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 15, and incorporates the Report by reference herein. Therefore, the individual defendants—Tyger, Craig, and Bell—are dismissed from this action.

IT IS SO ORDERED.



April 17, 2024
Columbia, South Carolina

Sherri A. Lydon
United States District Judge